

Protection Order Committee
Judicial Conference of Indiana

Minutes

August 26, 2005

The Protection Order Committee met at the Indiana Judicial Center on Friday, August 26, 2005, from 12:00 noon – 3:00 P.M.

1. Members present. Tammy Baitz, John Hammel, Steven M. Jessup, Robert E. Lybrook, Christina J. Miller, Jerry L. Ummel, and Thomas H. Busch, Chair.
2. Staff present. Jeffrey Bercovitz and Tom Jones provided the committee with staff assistance.
3. Minutes. The minutes for June 24, 2005, were approved.
4. Guests. Vivian Nowaczewski, Sgt. John Clawson, Sgt. Tom Richards, Debra Cook, Indiana State Police, and Adrienne Meiring, Attorney, Race and Gender Fairness Commission, also attended the meeting.
5. Best practices for protection orders. Committee members revised the following best practices for the Deskbook:
 - a. Judge Busch: Issuance of Ex Parte Order, then transfer—Questions 13 & 15.
 - b. Judge Hammel: Procedures for weapons, visitation, possession or residence, and personal property—Question 16.
 - c. Magistrate Lybrook: Delivery of Protection Orders to Sheriff - Question 17.
 - d. Committee members agreed to complete Magistrate Lybrook, Judge Brown, and Judge Forcum's materials at the next meeting.
6. Presentation by Adrienne Meiring. Adrienne Meiring, Attorney, Race and Gender Fairness Commission stated non-English speaking persons have a right to access to the courts under Title 6 of the Civil Rights Act. This may include translation of instructions and/or forms. Committee members agreed to identify the Protection Order forms and instructions frequently used in order to assist her in her work.

Members of the committee said translation alone might not be effective, because that may result in a form completed in a foreign language. Instead, the goal is to produce an accurate English language pleading requiring personal bilingual assistance to the applicant for a protection order. The translations would be of most use to the person providing assistance rather than to the applicant. Committee members requested instructions from the Supreme Court and/or Ms. Meiring's committee concerning the translation of forms. Committee members believe it is the Supreme Court's responsibility for compliance of courts with Title 6.
7. Other business.
 - a. Mr. Jones distributed revised Protection Order form packets for the Protection Order Deskbook of each member.

- b. Committee members agreed to look at questions from various courts at the next meeting, including a letter drafted by Judge Busch about jurisdiction issues with juvenile and domestic relations courts and protection order courts.
- c. Representatives of the Indiana State Police distributed a form to consider as part of best practices expanding the use of the caution indicator for protection orders.

8. Future meeting dates. Committee members agreed to meet again on the following dates: Friday, October 28, 2005 from 12:00 Noon – 3:30 p.m.; January 27, 2006 from 12:00 Noon – 3:30 p.m.; February 24, 2006, from 12:00 Noon – 3:30 p.m. The committee will only meet once in January and February. If the January meeting is held, there will be no February meeting. If the January meeting is cancelled due to weather, the committee will meet in February. The committee also agreed to meet on March 24, 2006 from 12:00 Noon – 3:30 p.m.; and April 28, 2006 from 12:00 Noon – 3:30 p.m. The committee agreed to meet on June 30, 2006, the fifth Friday of the month; and again on July 28, 2006 from 12:00 Noon – 3:30 p.m. and August 25, 2006 from 12:00 Noon – 3:30 p.m. All meetings will be on Friday and all will be held at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law